

Notice of Allowability

Application No.

10/066,174

Examiner

Behrang Badii

Applicant(s)

FISHER ET AL.

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10-19/06.
2. ☒ The allowed claim(s) is/are 1 and 3-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with HOWARD LEBOWITZ, on 12/20/06.

The application has been amended as follows:

Claim 1 (currently amended): In a method of making a payment from a payer to a merchant over a public computer network of the type where the payment involves the merchant accepting a proposed payment in the form of an account number having a standard syntax from the payer at completion of a purchase, followed by the merchant requesting an authorization for the proposed payment from a financial institution, the improvement comprising the following acts ~~performed by a trusted third party service:~~

- ~~a) authenticating the payer and authorizing the proposed payment in a single integrated process conducted without the involvement of the merchant~~
- a) providing a trusted third party on line service which is accessible on the public computer network and which has access to an inter-bank computer network;
- b) the trusted third party on line service allowing a persistent channel to be established with the payer prior to completion of the purchase with the

merchant , wherein the persistent channel is a two way electronic communication between the payer and the trusted third party, which is different from a channel used to communicate with the merchant, and which once opened is available for communication and verification until terminated;

- c) the trusted third party on line service obtaining a valid account number of the payer and authenticating the payer, wherein the valid account number is in the standard syntax;
- d) the trusted third party service examining the valid account number prior to completion of the purchase;
- e) if the valid account number does not contain a routing code which will direct it to the trusted third party on line service, then the trusted third party service assigning an alternative account number to the payer for a transaction, said alternative account number comprising a routing code which will cause the transaction to be routed to the trusted third party online service when submitted by the merchant for authorization;
- f) if the payer requests an alternative account number when the persistent channel is established, then the trusted third party assigning an alternative account number to the payer comprising a routing code which will cause the transaction to be routed to the trusted third party online service when submitted by the merchant for authorization.

- g) the trusted third party on line service receiving the proposed payment submitted by the merchant;
- h) the trusted third party on line service verifying that the persistent channel with the payer remains available after receipt of the proposed payment;
- i) if the channel is not available, the trusted third party on line service issuing an instruction on the inter-bank network to decline the proposed payment with the merchant; and
- j) if the channel is available, the trusted third party on line service issuing an instruction on the inter-bank network to complete the proposed payment with the merchant from the valid account, whereby the payer is authenticated and the proposed payment is authorized, if at all, in a single integrated process conducted without the involvement of the merchant based on the persistent channel between the trusted third party on line service and the payer

Claims 2 and 10-60 are cancelled.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: The closest prior art of record is Sines et al., USP 7,080,048. Sines et al. disclose methods for purchasing of goods or services over the internet. A customer has a customer account set up at a bank with associated account information. The account information includes

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verification information for verification parameters, such as authorized computer identification, authorized delivery addresses, authorized user identification, authorized telephone caller identification, and/or other account information. An order is placed by a user via an ordering computer which provides order information. Such order information includes verification variables used by the bank. Verification and/or authentication using one or more variables of the customer account information is used by the bank to validate the order before assuring payment to the merchant.

In regards to the amended claim 1, Sines et al. taken either individually or in combination with other prior art of record fails to teach or suggest a method of making a payment from a payer to a merchant over a public computer network of the type where the payment involves the merchant accepting a proposed payment in the form of an account number having a standard syntax from the payer at completion of a purchase, followed by the merchant requesting an authorization for the proposed payment from a financial institution, the improvement comprising the following acts: if the valid account number does not contain a routing code which will direct it to the trusted third party on line service, then the trusted third party service assigning an alternative account number to the payer for a transaction, said alternative account number comprising a routing code which will cause the transaction to be routed to the trusted third party online service when submitted by the merchant for authorization; if the payer requests an alternative account number when the persistent channel is established, then the trusted third party assigning an alternative account number to the payer comprising a routing

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code which will cause the transaction to be routed to the trusted third party online service when submitted by the merchant for authorization.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Mail Stop Amendment
Commissioner for Patents

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P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to (571)273-8300

Hand delivered responses should be brought to

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application
or proceeding should be directed to the Technology Center 3600 Customer Service
Office whose telephone number is **(571) 272-3600**.

Behrang Badii
Patent Examiner
Art Unit 3694

BB



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
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